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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,839	02/09/2001	Yoshikazu Nagamura	49657-947	6590

18

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McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER
KORNAKOV, MICHAIL

ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/779,839	NAGAMURA ET AL.
	Examiner	Art Unit
	Michael Kornakov	1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: 1-7 and 15.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

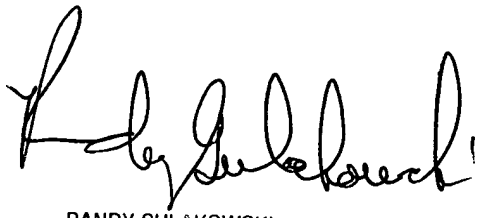
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: a)The Terminal Disclaimer, submitted by Applicants on 08/20/2003, paper #9, is not proper and has not been accepted, because Attorney, signed the Terminal Disclaimer, is not o record in the oath/declaration and a separate paper appointing a new or associate attorney has not been filed, and, therefore, claims 1-3,5-7 and 15 stand rejected under ODP as being unpatentable over claims 1-5,8,10 and 11 of U.S. 6,277,205;

b)Applicants arguments regarding 35 USC 102 (a/e) rejection over Nagamura and 35USC 103(a) rejection over Yeol have been considered, but they are not persuasive, as clearly stated in Final Rejection, paper # 7. Applicants arguments reside in contention that the recited sequence of steps cannot simply be ignored. Applicants' attention is drawn to disclosures of Nagamura and/or Yeol, wherein the processing steps are provided in the same sequence as recited by Applicants. Specifically, in Nagamura the cleaning process starts with removal of organic objects and metallic impurities and further proceeds with removing of foreign matter by treating the same surface with solution, which contains hydrogen gas and a slight amount of ammonia, followed by surface drying. With regard to "impermissibly collapsing two steps of Nagamura into a single step taught by the present disclosure", as argued by Applicants on page 4 of Response After Final, it is noticed here that Applicants argument is not commensurate in scope with the instant claim 1, wherein the open-ended an inclusive transitional phrase "comprising" is provided. As clearly established by MPEP, the transitional phrase "comprising" does not exclude additional, unrecited elements or method steps. See, e.g., Genentech, Inc. v. Chiron Corp., 112 F.3d 495, 501, 42 USPQ2d 1608 1613 (Fed. Cir. 1997). Consult also: In re Baxter, 656 F.2d 679, 686, 210 USPQ 795, 803 (CCPA 1981); Ex parte Davis, 80 USPQ 448, 450 (Bd. App. 1948).

With regard to Applicants' argument that Yeol fails to teach or suggest each and every element of the claimed invention (page 5 of Response After Final), it is noticed here that had the reference to Yeol taught each and every element of the claimed invention, this reference would be applied for anticipatory rejection. However, the reference to Yeol is utilized for obviousness rejection, because it recites the cleaning process, which includes treatment the surface with oxidizing media, thus potentially removing organic matter and metallic impurities from said surface, followed by treatment of said surface with solution, which contains hydrogen gas and a slight amoun of ammonia, and drying the surface. Because Yeol indicates that his method provides effective cleaning of different substrates, utilized in semiconductor processing, and that a plurality of types of contaminants can be removed from such surfaces (col.2, lines 43-49) by treatin them with acidic oxidizing cleaning solutions, which can oxidize and remove organic substances and metallic contaminants and subsequently treating them with alkaline reducing cleaning solutions for the removal of particulate matter (col.11, lines 13-22), one skilled in the art motivated by the teaching of Yeol would have found it obvious utilize the cleaning technique of Yeol while washing phase-shift masks, including halftone masks, with the reasonable expectation of success. A prima facie case of obviousness is established when the teaching from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art, consult In re Bell, 26 USPQ 2d, 143, 147 (CCPA 1993).



RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700